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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,802	09/05/2003	Carl Brock Brandenburg	0746MH-40213C	7118

7590

03/29/2005

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

21

Office Action Summary	Application No.	Applicant(s)	
	10/655,802	BRANDENBERG ET AL.	
	Examiner	Art Unit	
	Lisa Lea-Edmonds	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-14 and 16-54 is/are pending in the application.
- 4a) Of the above claim(s) 9-14 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,16-43 and 45-54 is/are rejected.
- 7) ☒ Claim(s) 22 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I in the reply filed on 01/03/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the display sliding in a direction that reveals the top portion or the left portion or the right portion of the alphanumeric keyboard first and the at least one input/output components being a light, button(s), directional or "D" pad, a jog wheel, a scroll wheel, a microphone, and/or an antenna must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 17-19 and 45-48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. With respect to claims 17-19, applicant fails to describe the display portion sliding in such a way as to reveal either the top, left and/or right portions of the alphanumeric keyboard first as claimed (see for example paragraphs 0070, 0074 - 0080 and figures 1A-1C, 4A-5D). With respect to claims 45-48, applicant fails to describe the additional input/output components comprising a plurality of buttons as claimed (see for example paragraphs 0070, 0074 - 0080 and figures 1A-1C, 4A-5D).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 32-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 32-41, it is unclear to the examiner of record what

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applicant regards as his invention in that the preambles of dependent claims 32-41 differ from that of independent claim 31.

Claim Objections

7. Claim 22 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 22 fails to further limit claim 1 in that claims 22 is a duplicate of claim 21 which also depends from claim 1.

8. Claim 40 objected to because of the following informalities: claim 40 depends from claim 437, which is believed to be an error. The examiner of record will examine claim 40 as if it depended from claim 37. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-5, 16, 25-29, 31-35, 37-43, and 52-54 are rejected under 35 U.S.C. 102(e) as being anticipated by England (6483445). With respect to claims 1-5, 16, 25-29, 31-35, 37-43, and 52-54, as best understood, England teaches a hand held electronic computing device (10)

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having a physical configuration comprising a body portion (32) and an alphanumeric keyboard (24) carried thereon; a display portion (30) and a constantly visible display (20) carried thereon such that the display portion (30) conceals the alphanumeric keyboard (24) when not in use as claimed. England also teaches means (44, 46) for sliding and supporting the display portion (30) relative to the body portion (32); and at least one input/output component (40) being carried by the body portion (32), the display portion (30) and/or both, wherein the at least one input/output component (22) is located to facilitate interaction with the device while the display portion (30) partially conceals the alphanumeric keyboard (24) as claimed (see for example figures 1-6).

Claim Rejections - 35 USC § 103

11. Claims 20-24, 30, 36, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over England (6483445). With respect to claims 20-24, 30, 36, and 49-51, England lacks a teaching of the display (20) being a high-resolution color display, a push pad(s), a protective bumper, a full spectrum color LED, a touchpad, and/or an analog responder as claimed, respectfully. It would have been obvious to one of ordinary skill in the art to provide such components as they are all standard well known "off the shelf" components included in the vast majority of present day hand held and/or portable electronic devices. One of ordinary skill in the art would have surely included most if not all of the components cited in the application at the time this instant invention was made.

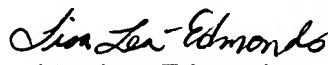
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Lonka (6308084), Kim et al. (6016176), Osthues (Des. 406131), Kumar et al. (5548478), Catiel (6249672), and Robinson (6020878).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lisa Lea-Edmonds
Primary Examiner
Art Unit 2835

03/24/05